IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION Nos. 27744, 27745, 27746, 27747, 27748, 27749, 27750, 27751, 27752, 27753, 27754, 27755, 27756 and 27757 of 2005

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WRIT PETITION No. 27744 of 2005

Between:

Maddi Venkata Swamy

..... PETITIONER

AND

Superintendent of Police,

Vigilance & Enforcement,

Rajahmundry and 3 others

.....RESPONDENTS

WRIT PETITION No. 27745 of 2005

Between:

Maddi Venkata Subbaiah

..... PETITIONER

AND

Superintendent of Police,

Vigilance & Enforcement

Rajahmundry and 3 others

.....RESPONDENTS

WRIT PETITION No. 27746 of 2005

Between:

Smt.Ch.Kameswari

..... PETITIONER

AND

Superintendent of Police,

Vigilance & Enforcement,

Rajahmundry and 3 others

.....RESPONDENTS

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WRIT PETITION No. 27747 of 2005

Between:

Aritakula Veera Venkaiah

..... PETITIONER

AND

Superintendent of Police,

Vigilance & Enforcement,

Rajahmundry and 3 others

.....RESPONDENTS

WRIT PETITION No. 27748 of 2005

Between:

Oleti Padmaja

..... PETITIONER

AND

Superintendent of Police,

Vigilance and Enforcement,
Rajahmundry and 3 others.

.....RESPONDENTS

WRIT PETITION No. 27749 of 2005

Between:

Devaki Gurubraham

..... PETITIONER

AND

Superintendent of Police,

Vigilance and Enforcement,
Rajahmundry

.....RESPONDENTS

WRIT PETITION No. 27750 of 2005

Between:

Tavva Hanumantha Rao

..... PETITIONER

AND

Superintendent of Police,

Vigilance & Enforcement,

Rajahmundry and 3 others

.....RESPONDENTS

WRIT PETITION No. 27751 of 2005

Between:

Maddali Venkateswarlu

..... PETITIONER

AND

Superintendent of Police,

Vigilance & Enforcement,

Rajahmundry and 3 others

.....RESPONDENTS

WRIT PETITION No. 27752 of 2005

Between:

Maddi Krishna Murthy

..... PETITIONER

AND

Superintendent of Police,

Vigilance and Enforcement,
Rajahmundry and 3 others

.....RESPONDENTS

WRIT PETITION No. 27753 of 2005

Between:

Kota Venkateswarlu

..... PETITIONER

AND

Superintendent of police,

Vigilance & Enforcement,

Rajahmundry and 3 others

.....RESPONDENTS

WRIT PETITION No. 27754 of 2005

Between:

U.Chanti Babu

..... PETITIONER

AND

Superintendent of Police,

Vigilance & Enforcement

Rajahmundry and 3 others

.....RESPONDENTS

WRIT PETITION No. 27755 of 2005

Between:

Dandu Krishnaveni

..... PETITIONER

AND

Superintendent of Police,

Vigilance and Enforcement,
Rajahmundry and 3 others

.....RESPONDENTS

WRIT PETITION No. 27756 of 2005

Between:

Nallam Ratnakumari

..... PETITIONER

AND

Superintendent of Police,

Vigilance & Enforcement,

Rajahmundry and 3 others

.....RESPONDENTS

WRIT PETITION No. 27757 of 2005

Between:

Koppuravuri Venkata Subba Rao

..... PETITIONER

AND

Superintendent of Police,

Vigilance & Enforcement,

Rajahmundry and 3 others

.....RESPONDENTS

COMMON ORDER:

As all these writ petitions are filed for similar relief against the similar orders, they are being disposed of at the stage of admission by this common order.

Heard the learned counsel for the petitioners and the learned Government Pleader for Civil Supplies.

All the writ petitioners are various fair price shop dealers, situated in Bhimavaram town of West Godavari District. It is stated that previously their dealerships have been cancelled by various different orders dated 10.06.2005. Against which, the writ petitioners filed writ petitions i.e.W.P.No.12970/2005 and batch on the file of this

Court and this Court initially granted suspension of the said cancellation orders, by orders dated 20.06.2005, and on the vacate stay petitions, filed by the Government, the said writ petitions i.e. W.P.No.12970/2005 and batch were allowed by this Court by orders dated 25.08.2005, remitting the matter back to the Revenue Divisional Officer, Narsapur, West Godavari District, directing him to consider the matters independently, after giving a reasonable opportunity of being heard to the petitioners and dispose of the same as indicated in the order of the said writ petitions. Pursuant to the said orders, the 3rd respondent issued show cause notices to the petitioners on 09.11.2005, framing various similar and common charges. The petitioners have filed their respective explanations, and after considering their explanations, the fair price shop dealerships of the petitioners have been cancelled by the 3rd respondent by various impugned orders dated 20.12.2005. Questioning the said orders, these writ petitions are filed, stating that the said cancellations orders are contrary to the orders of this Court dated 25.08.2005 passed in the aforesaid batch of writ petitions and the said cancellations orders have been again passed based on the Vigilance Report No.34, dated 10.03.2005.

It is stated that two allegations made in the vigilance report are mainly against the concerned Mandal Revenue Officers and Deputy Tahsildars, but not against the fair price shop dealers, but without conducting any proper enquiry and without acting in right perspective of the directions of this Court, the 3rd respondent framed vague charges. It is further stated that no material particulars have been furnished as regards to the bogus cards, having obtained by certain persons with the connivance of the officials. It is stated that the petitioners are not at all responsible in obtaining bogus cards by certain persons. It is further stated that what are the bogus cards existed within the purview of each dealership are not intimated or informed to the petitioners, but as per the cards allotted to the petitioners' fair price shops, the petitioners have supplied the essential commodities to the persons whoever produced the cards. Therefore, it is the case of the petitioners that they have not indulged in any irregularities, major or minor.

As the impugned orders are mainly passed based on the vigilance report and without independently conducting any enquiry by the

3rd respondent as directed by this Court in the earlier batch of writ petitions, I am of the opinion that these are fit cases where cancellation orders have to be stayed

pending disposal of the appeal before the Joint Collector.

Admittedly, as against the impugned orders, an efficacious alternative remedy of appeal available to the petitioners, I am of the opinion that it is just and proper to direct the petitioners to avail the remedy of appeal before the 2nd respondent, so as to enable the appellate authority to properly consider the appeals in the light of the directions issued by this Court in the earlier batch of writ petitions.

Having regard to the facts and circumstances of the cases, the petitioners are directed to file regular appeals before the 2nd respondent against the impugned orders dated 20.12.2005, within a period of two weeks from the date of receipt of a copy of this Order, and if any such appeals are filed within the prescribed time, the impugned orders dated 20.12.2005 stand stayed pending disposal of the appeals, and the appellate authority may be disposed of the appeals, in accordance with law, particularly in the light of the directions issued by this Court in batch of writ petitions i.e. W.P.No.12970/2005 and batch, dated 25.08.2005, after giving a reasonable opportunity to the petitioners.

With the above observations, the Writ Petitions are disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 28.12.2005

Dsr

Note:

Issue CC tomorrow

B/o

Dsr